

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MARK COLSTON,

Plaintiff,

File No. 2:09-cv-273

v.

HON. ROBERT HOLMES BELL

JEFF WILCOX,

Defendant.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On February 17, 2011, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation ("R&R") recommending that Plaintiff's motion to compel (Dkt. No. 19) and motion to appoint counsel (Dkt. No. 43) be denied, that Defendant's motion for summary judgment (Dkt. No. 25) be granted, and that this case be dismissed in its entirety. (Dkt. No. 44.) No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the February 17, 2011, R&R (Dkt. No. 44) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion to compel (Dkt. No. 19) and motion to appoint counsel (Dkt. No. 43) are **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's motion for summary judgment (Dkt. No. 25) is **GRANTED**.

**IT IS FURTHER CERTIFIED** pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this action would not be in good faith.

Date: March 8, 2011

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE